

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Highline Exploration, Inc., Nisku)	
Royalty, LP, William R. LaCrosse and)	
Tammy LaCrosse, Empire Oil Company,)	ORDER
and Kent M. Lynch,)	
)	
Plaintiffs,)	
)	
vs.)	
)	Case No. 1:19-cv-134
QEP Energy Company,)	
)	
Defendant.)	

On September 15, 2020, Plaintiffs filed a “Motion to Modify Scheduling Order to Extend Deadline to Extend Deadline to Amend the Pleadings to Add a Claim for Punitive Damages.” The court’s scheduling order established a September 15, 2020, deadline to amend the pleadings to add a claim for punitive damages. Plaintiffs request that this deadline be extended until January 31, 2021, which also happens to be deadline for completing fact discovery.

On September 28, 2020, defendant file a response in opposition to plaintiff’s motion. It asserts that plaintiffs have not demonstrated good cause to modify the scheduling order. It further asserts that extending the deadline to amend the pleadings to coincide with the fact discovery deadline is prejudicial as it would be unable to conduct discovery on any claim for punitive damages should plaintiff’s seek leave to assert one.

On October 5, 2020, Plaintiffs file a reply in support of their motion. Consequently, their motion has now been fully briefed and is ripe for court’s consideration.

Having reviewed the parties respective briefs, the court is inclined to amend its scheduling order as requested by plaintiffs. First, plaintiff’s motion was timely filed. Second, it does not

appear that plaintiffs have dilatory in their efforts to date. From all appearances, discovery is ongoing and what has been produced to date is voluminous and is taking time to digest. Third, the court is not persuaded that defendant stands to be prejudiced by the proposed amendment to the scheduling order. Assuming that plaintiff does move to amend its pleadings to assert a claim for punitive damages, it is unclear what additional discovery, if any, defendant would need to conduct. Should the time come when plaintiff seeks leave to assert claim for punitive damages and if defendant requires a modicum of time to conduct additional discovery with respect to such a claim, it may file the appropriate motion.

Plaintiff's motion (Doc. No. 20) is **GRANTED**. The deadline for filing motions to amend the pleadings to assert a claim for punitive damages shall be extended until January 31, 2021.

IT IS SO ORDERED.

Dated this 3rd day of December, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court